

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KATHLEEN HARRIS AND MARK HARRIS	:	
	:	CIVIL ACTION NO.
Plaintiffs,	:	
	:	
V.	:	
	:	
ROBERT SULLIVAN AND DOUBLE G	:	
LOGISTICS, INC.	:	
	:	
Defendants.	:	
	:	

**NOTICE AND PETITION OF REMOVAL OF
DEFENDANTS ROBERT SULLIVAN AND DOUBLE G LOGISTICS, INC.**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendants, Robert Sullivan and Double G Logistics, Inc. (hereinafter collectively known as “Defendants”), by and through their attorneys, Goldberg Segalla LLP, submit this Notice and Petition for Removal from the Court of Common Pleas of Philadelphia County, Pennsylvania, in which the above-captioned matter is now pending, to the United States District Court for the Eastern District of Pennsylvania. In support of said Notice and Petition, Ryder states as follows:

1. Plaintiffs Kathleen Harris and Mark Harris, commenced this personal injury action in the Court of Common Pleas of Philadelphia County, February Term 2019, No. 00325, by filing their complaint against Defendants on February 6, 2019. (*See* Exhibit “A”).
2. Plaintiff’s complaint arises out of an alleged February 25, 2017 motor vehicle accident which occurred on Route 100 in West Whitehall Township, Chester County, Pennsylvania. (*See* Exhibit “A” at ¶7).
3. Plaintiff alleges that his accident was caused by Defendants’ negligence, carelessness and recklessness. (*See* Exhibit “A” at ¶¶10).

Timeliness Of Removal

4. This Notice of Removal is timely filed in compliance with 28 U.S.C. §1446(b) as it is being filed within thirty (30) days from February 6, 2019, the date upon which Defendants were served with the Complaint. (See Exhibit “A.”)

Diversity of Citizenship

5. 28 U.S.C. §1441(a) provides that a state court action over which a district court of the United States would possess original jurisdiction may be removed to the district court for the district and division embracing the place where the state court action is pending.

6. A district court shall have original jurisdiction over a proceeding wherein the matter in controversy exceeds \$75,000 and is between citizens of different states. 28 U.S.C. §1332(a).

7. A corporation shall be deemed to be a citizen of the state in which it is incorporated and the state of its principal place of business. 28 U.S.C. §1332(c)(1).

8. The citizenship of an unincorporated business trust is dependent upon the citizenship of its trustees and beneficiaries. *Americord Realty Trust v. Conagra Foods*, 136 S. Ct. 1012 (2016); *Luminent Mort. Capital, Inc. v. Merrill Lynch*, 652 F. Supp. 2d 576, 587 (E.D. Pa. 2009).

9. According to the Complaint in the instant case, plaintiffs are citizens of the Commonwealth of Pennsylvania. (See Exhibit “A at ¶1 and 2).

10. Double G Logistics, Inc. is a citizen of North Carolina, its state of incorporation and the location of its principal place of business.

11. Robert Sullivan is a citizen of North Carolina. (See Exhibit “A” at ¶3).

12. Diversity of citizenship exists because plaintiffs are citizens of Pennsylvania and defendants are citizens of States other than Pennsylvania.

Amount in Controversy

13. If a party seeks the removal of an action based upon diversity of citizenship and demands nonmonetary relief in its initial pleading, the notice of removal may state the amount in controversy and the action will be removable if the district court finds, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000.00. 28 U.S.C. §1446 (c)(2).

14. Here, the court should find, by a preponderance of the evidence, that the amount in controversy is in excess of \$75,000 as plaintiffs have alleged in the complaint that Plaintiff Kathleen Harris sustained a concussion with loss of consciousness, laceration to the upper lip, nasal fracture, neck pain and headaches and damage to her nerves and nervous system. (*See* Exhibit “A” at ¶ 11).

Plea for Removal

15. There is complete diversity of citizenship and the amount in controversy exceeds the jurisdictional requirement of seventy-five thousand dollars (\$75,000.00) ; therefore, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 and removal of this proceeding to this Court is proper pursuant to 28 U.S.C. § 1441.

16. No defendant is a citizen of the forum state of Pennsylvania such that removal is not precluded by 28 U.S.C. §1441(b).

17. Since the Philadelphia County Court of Common Pleas is located within the Eastern District of Pennsylvania, removal of this case to the United States District Court for the Eastern District of Pennsylvania is proper because it is the “district and division embracing the

place where such action is pending.” 28 U.S.C. §1441(a).

18. Defendants have contemporaneously with the filing of this Notice and Petition of Removal given written notice to all counsel and unrepresented parties of the removal of this matter.

19. Promptly after filing the within Notice and Petition of Removal, a copy of same will be filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, defendants, Double G Logistics, Inc. and Robert Sullivan respectfully request that this civil action be removed from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

GOLDBERG SEGALLA LLP

Date: March 5, 2019

By: /s/ Christina L. Capobianco

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CERTIFICATE OF SERVICE

I, Christina L. Capobianco, hereby certify that this 5th day of March 2019, a true and correct copy of the foregoing Notice and Petition of Removal of defendants, Double G Logistics, Inc. and Robert Sullivan was served via the Court's ECF and by electronic mail upon the following:

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